

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BRIAN BEARD,  
Plaintiff,  
vs.  
CHRISTOPHER TUNNELL, *et al.*,  
Defendants.

CASE NO. 1:23-cv-2389-PAB  
DISTRICT JUDGE  
PAMELA A. BARKER  
MAGISTRATE JUDGE  
JAMES E. GRIMES JR.  
**SHOW CAUSE ORDER**

On June 4, 2024, the Court issued a Case Management Scheduling Order that ordered the parties to conduct a planning meeting, as described under Local Rule 16.3(b)(3) and Federal Rule 26(f), at least 21 days prior to the scheduled case management conference (CMC). *See* Doc. 12 at 3. Based on the planning meeting, the parties were ordered to prepare a report of parties' planning meeting, following the form attached as Attachment 1 to the Court's CMC Scheduling Order. *See* Doc. 12 at 6. On June 21, 2024, counsel for defendants submitted a "Proposed Report of Parties' Planning Meeting." Doc. 15. This document failed to indicate whether or when any planning meeting occurred and whether pro se plaintiff Brian Beard participated in the planning meeting. The Court ordered that the parties explain these discrepancies. *See* Doc. 17. Counsel for defendants filed a response explaining that they were without any means to contact Beard, beyond a mailing address, and that they had

sent multiple correspondence via mail to the addresses Beard provided. *See* Doc. 18.

Beard did not submit a response to the Court's order.

On June 28, 2024 the Court attempted to conduct a CMC via Zoom videoconference, as previously ordered. *See* Doc. 12. Information for accessing the video conference and the CMC Scheduling Order were mailed to Beard. *See* June 6, 2024 docket entry. Counsel for defendants appeared but Beard failed to appear at the CMC.

To date, Beard has failed to comply with the Court's CMC Scheduling Order by failing to participate in a planning meeting or attend the CMC. He has also failed to respond to defense counsel's multiple attempts to contact him via mail. Accordingly, Beard is ordered to show cause in person why the Court should not impose sanctions or recommend that sanctions be imposed up to and including the dismissal of this action for failure to prosecute. The Court orders Beard's appearance in Courtroom 11A at 2:00 p.m. on Friday, July 12, 2024, to show cause why sanctions should not be imposed.

IT IS SO ORDERED.

Dated: June 28, 2024

/s/ James E. Grimes Jr.

James E. Grimes Jr.  
U.S. Magistrate Judge